

Note: These minutes are not official until approved by the Planning and Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.

DeKalb County Government
Sycamore, Illinois

**Planning and Zoning Committee Minutes
(February 26, 2014)**

The Planning and Zoning Committee of the DeKalb County Board met on February 26, 2014 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Charles Foster, Dan Cribben, Anita Jo Turner, Frank O'Barski, John Emerson, Julia Fauci, and Paul Stoddard . Also in attendance were County Board member Anthony Cvek, Kevin McArtor, and County staff members Paul Miller and Rebecca Von Drasek.

Ms. Turner, Planning and Zoning Committee Chairman, called the meeting to order and noted that all members were present.

APPROVAL OF AGENDA

Mr. O'Barski moved to approve the agenda, seconded by Ms. Fauci, and the motion carried unanimously.

APPROVAL OF MINUTES

Mr. Stoddard moved to approve the minutes of the December 3, 2013 meeting of the Planning and Zoning Committee, seconded by Mr. Emerson, and the motion carried unanimously.

SPECIAL USE AMENDMENT

Mr. Miller reported to the Committee that Jonamac Orchard, Inc. has filed a petition for an Amendment to a Special Use Permit to allow expansion of an existing "agri-tainment" use on properties located at 19412 Shabbona Road. The subject properties consist of 105 acres located on the east side of Shabbona Road, approximately 3/4 mile south of the Village of Malta, in Malta Township. The properties are zoned A-1, Agricultural District with a Special Use for a large-scale agritainment use.

The required public hearing was conducted on January 30, 2014 by DeKalb County Hearing Officer Dale Clark. The petitioners provided testimony and exhibits in support of the requested Amendment to the existing Special Use, including that the Jonamac Orchard was in existence for many years as a pre-existing, legal nonconforming use in the A-1, Agricultural District until the County passed Ordinance 2005-18 in 2005 to accommodate an expansion of the store and an area for the production of sweet cider, as well as adding public washrooms. The owners are now proposing to add 40 acres to the Special Use, and to construct an addition to the store/bakery and an "education" building. A petting zoo, and the sale of wine and hard cider are also proposed uses. The petitioner explained that two options for building additions are being explored, and

that one or the other, but not both, would be selected for implementation. Staff explained that because the area of the additional acreage and of the proposed improvements exceed 10% of the land area and combined building area covered by the existing Special Use Permit, an Amendment to the Permit is required. Further, as long as the maximum square footage of buildings associated with the Special Use is part of the ordinance for approval, the two options could be accommodated. One member of the public spoke in favor of the request, and none in opposition. Mr. Miller reported that the Hearing Officer has submitted his findings, and recommends approval of the Special Use Permit with conditions.

Ms. Turner inquired what type of “education” building was planned for the property. Mr. McArtor responded that he envisioned a one-room school house-type building.

Mr. O’Barski asked about the County Engineer’s findings regarding the effect of the expansion on traffic volumes. Mr. McArtor noted that he had no objections to the comments from the County Engineer, but added that it would be cost prohibitive if the Orchard were asked to install a turn lane on Shabbona Road. Mr. McArtor iterated that the peak activities at the property are generally only six weekends in a year.

Ms. Fauci asked if group events would include weddings. Mr. McArtor did not rule out this type of group event but noted that the Orchard was not seeking a liquor license to sell alcohol for consumption on site.

Ms. Turner clarified that the house on the site was not part of the Special Use. Mr. McArtor confirmed that it is not.

Mr. Stoddard asked staff if the neighboring property owner’s questions noted in the Hearing Officer’s report had been answered. Mr. Miller responded that the County Engineer had responded to Mr. Blasek’s inquiries.

Mr. Foster suggested that the condition regarding the traffic management needed to be more specific than what was included within the Hearing Officer’s findings. Mr. Miller agreed to incorporate the specifics of the County Engineer’s comments within the Ordinance forwarded to the County Board.

Mr. Cribben asked if the square footages within the Hearing Officer’s findings were correct. Staff agreed to review the math.

Mr. Cribben confirmed that Mr. McArtor was comfortable with the timelines established by the Hearing Officer’s findings. Mr. McArtor agreed.

Mr. Stoddard moved to recommend approval of the Amendment to the Special Use provided the Ordinance reflect the language changes to the conditions regarding traffic and the square footage, seconded by Mr. Emerson, and the motion carried unanimously.

VIDEO GAMING

Mr. Miller explained that staff was recently contacted by the Illinois State Police regarding an application it had received for video gambling to take place in a venue located within unincorporated DeKalb County. The Officer inquired whether or not the County had any ordinances regulating gambling. A review of the County Code did not reveal any such ordinance. Staff then inquired of the State's Attorney what authority counties in Illinois have with respect to video gambling. Chief Civil Assistant Stephanie Klein indicated that the County Board can pass an ordinance prohibiting video gaming in unincorporated areas of the county if it so desires, but that it cannot impose regulations or conditions if video gambling is allowed; that authority resides with the Illinois Gaming Board. If the County does not prohibit video gambling, such gaming would be permitted under State law.

Mr. O'Barski questioned if the ban would need to be by referendum. Mr. Miller agreed to investigate and report back to the Committee.

Ms. Fauci stated that she had researched the Federal governments review of "convenience" gambling. She emphasized her disagreement for the approach of funding capital projects with revenue from gambling or other "sin" taxes. She suggested that her opinion would be to vote to ban the activity.

Mr. Foster agreed with Ms. Fauci, however, he noted the few number of venues which are located in unincorporated areas that a ban would prevent.

Mr. Emerson stated that he was not worried about allowing the machines because of the ample number of establishments within the City of Genoa already offering this activity.

Ms. Turner recognized Mr. Cvek, who agreed that he was not in favor of gambling but did not feel a ban would make an impact.

Mr. Miller reported that the County would receive five percent of gross revenues from machines in unincorporated DeKalb County.

Ms. Fauci took issue with the method by which the State enabling legislation was passed without public comment.

The Committee directed staff to explore earmarking revenues to fund mental health and addiction services and asked for the item be included on the March agenda to answer those questions posed to staff.

Mr. Miller stated that he would contact the Illinois State Police and state that the Committee decided to not take action to ban gambling machines.

EVERGREEN VILLAGE MITIGATION PROJECT

Mr. Miller informed the Committee that a counter appraisal had been received from Mr. Santoro, and sent to the State for review. Mr. Miller noted that the two appraisals were substantially different. He explained that the IEMA representatives, the property owner, and County staff have scheduled a meeting for the beginning of March to discuss the project. Staff alerted the Committee to the ramifications of the appraisal review and the possible inadequacy of funds to complete the mitigation project. Staff agreed to keep the Committee informed regarding this project.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet Wednesday, March 26, 2014 at 7:00 p.m. in the Conference Room East.

Mr. Emerson moved to adjourn, seconded by Mr. Stoddard, and the motion carried unanimously.

Respectfully submitted,

Anita Jo Turner
Planning and Zoning Committee Chairman

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